

A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence:  
"This application claims priority of copending provisional application(s)  
No. \_\_\_\_\_ filed on \_\_\_\_\_."

08306 U.S. PTO  
10/622631  
07/21/03

8. Small entity status

- ☐ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

|  | Number Filed | Number Extra | at Rate of | Basic Fee<br>Utility \$750.00<br>Design \$330.00 |
|--|--------------|--------------|------------|--|
|  |              |              | BASIC FEE  | \$750.00   |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | 134 - 20 =   | 114          | x18.00     | \$2,052.00                                       |
| Independent Claims<br>(37 C.F.R. §1.16(b))               | 26 - 3 =     | 23           | x84.00     | \$1,932.00                                       |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | 280.00     |  |
| SUB-TOTAL =  |              |              |            | \$4,734.00                                       |
| Reduction by 1/2 for filing by a small entity            |              |              |            |  |
| TOTAL FILING FEE =                                       |              |              |            | \$4,734.00                                       |

10. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ Permission to charge the Deposit Account No. 50-0310 in the amount of **\$4,734.00** representing the basic filing fee of \$750.00, and an additional claims fee of \$3,984.00.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

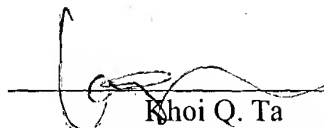
- ☐ Preliminary Amendment  
☐ Information Disclosure Statement  
☐ Form PTO-1449, \_\_ references are included  
☐ Declaration of Biological Deposit  
☒ Form PTO SB-35 Nonpublication Request

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: **July 21, 2003**

  
Khoi Q. Ta  
Reg. No. 47,300

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Manuel R. SILVA, Jr. Thomas E. ARCHIBALD, James W. MEARS,  
Donald B. POUNDER, Yoram RINGER,

For: **DRY SPRINKLER**

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

|            |  |
|------------|--|
| <u>104</u> | Pages of Specification including                 |
| <u>0</u>   | Title Page                                       |
| <u>39</u>  | Pages of Claims                                  |
| <u>1</u>   | Page of Abstract                                 |
| <u>50</u>  | Sheets of drawings containing <u>135</u> Figures |

☐ The enclosed drawings are photographs, and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

- ☐ Enclosed and is executed by all inventors  
☐ Not Enclosed.  
☒ This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of  
the time set for filing the Declaration and paying the filing fees. An  
unexecuted declaration is enclosed.

## 4. Language

☒  
☐

English

Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

☐  
☒

An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
|         |                 |       |
|         |                 |       |

Certified copy: ☐ is attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Priority of the following provisional application(s) is claimed:

| Application No. | Filed             | Application No. | Filed             |
|-----------------|-------------------|-----------------|-------------------|
| 60/396,727      | July 19, 2002     | 60/432,982      | December 13, 2002 |
| 60/427,214      | November 19, 2002 | 60/433,001      | December 13, 2002 |
| 60/432,998      | December 13, 2002 | 60/433,004      | December 13, 2002 |
| 60/432,995      | December 13, 2002 | 60/433,002      | December 13, 2002 |
| 60/432,996      | December 13, 2002 | 60/433,003      | December 13, 2002 |
| 60/433,611      | December 13, 2002 | 60/432,994      | December 13, 2002 |
| 60/432,999      | December 13, 2002 | 60/433,610      | December 16, 2002 |
| 60/433,582      | December 13, 2002 | 60/433,599      | December 16, 2002 |
| 60/432,997      | December 13, 2002 | 60/433,605      | December 16, 2002 |
| 60/432,984      | December 13, 2002 | 60/433,612      | December 16, 2002 |
| 60/432,985      | December 13, 2002 | 60/433,005      | December 16, 2002 |
| 60/432,983      | December 13, 2002 |                 |                   |

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

**Manuel R. SILVA, Jr., et al**

Title

**DRY SPRINKLER**

Attorney Docket Number

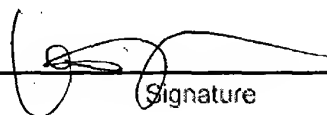
**052250-5003**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

21 July 2003

Date



Signature

202-739-5203

Telephone number

**Khoi Q. Ta, Reg. No. 47,300**

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**